IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5999 OF 2005

Shri.More Anil Bapusaheb ..Applicant

Vs.

Shri.Sopan Rambhau Jadhav
& Anr. ..Respondents

...

Mr.M.S.Mohite Advocate for Applicant
Mr.Y.S.Shinde A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 26,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned Judicial Magistrate, First Class, Cantonment Court, Pune in C.C.No.550/2003. In the said case process was issued against the applicant under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in the order in the case of **Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. The applicant is also challenging the order of the learned Magistrate dated 19th August, 2005 wherein a correction was allowed in the complaint. The learned advocate for the applicant states that he is not pressing the prayer for quashing of the said order at this stage and he seeks liberty to file appropriate proceedings at a later stage. Liberty as prayed for is granted.

7. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]